

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

In Re:
LANDRETH LUMBER COMPANY,

Debtor

**ROBERT E. EGGMANN, AS TRUSTEE
OF THE LANDRETH LUMBER
COMPANY CREDITOR TRUST,**

Plaintiff-Appellant,

v.

MRH CORP.,

Defendant-Appellee.

No. 10-7-DRH

ORDER

HERNDON, Chief Judge:

Before the Court is Appellee MRH Corp.'s Motion to Dismiss Appeal (Doc. 8). MRH Corp. argues that Appellant Robert E. Eggmann's Appeal should be dismissed because Eggmann, acting as Trustee of the Landreth Lumber Company Creditor Trust, (the "Trust") missed the briefing deadline and no further extension has been requested by the Trust.

The Trust, however, has filed a response, requesting an extension of time for filing the opening brief and arguing that the motion to dismiss should be denied. The Trust stated that it had filed a Motion to Consolidate in another appeal pending in this district, seeking to consolidate that appeal with the above captioned appeal, and had also requested an extension of time to July 2010 in yet another

similar appeal after the motion to consolidate was denied.¹ **See Eggmann v. Millwork Products, LLC, Case No. 10-cv-282-MJR.** The Trust admits that it neglected to include the same date in its original request for extension of time in the above-titled case, but that it should have done so. The Trust requests that this Court extend the deadline for filing its opening brief in this case. It also argues that the Motion to Dismiss (Doc. 8) should be denied because MRH Corp. has suffered no prejudice and failed to account for the pending motion to consolidate.

Based on the reasons in the Trust's briefing, the Court **GRANTS** its request for an extension of time (Doc. 7). Accordingly, the Trust will have up to and including **July 9, 2010** in which to file its opening brief. Due to the extension of time granted to the Trust to file its opening brief, the Court therefore **DENIES** MRH Corp's motion to dismiss (Doc. 8).

IT IS SO ORDERED.

Signed this 30th day of June, 2010.

/s/ David R. Herndon

Chief Judge
United States District Court

¹ While the Trust failed to indicate in which case it filed a motion to consolidate, the Court notes that the motion to consolidate was filed in the case **Eggmann v. Helmkamp Auto Service, Inc.**, Case No. **09-901-GPM**. That motion sought to consolidate the above titled case with the **Helmkamp** case. The motion to consolidate was ultimately denied on May 14, 2010. (See **Helmkamp**, Case No. 09-901-GPM, Docs. 8 & 10).